

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 1-23-02 Item: 3.d	
	File Number CP01-08-067	
	Application Type Conditional Use Permit	
	Council District 8	
	Planning Area Evergreen	
	Assessor's Parcel Number(s) 491-10-073	
PROJECT DESCRIPTION		
Completed by: Darren McBain		
Location: Northeast corner of Cunningham Avenue and Nassau Drive		
Gross Acreage: 9.1 Net Acreage: 9.1 Net Density: n/a		
Existing Zoning: R-1-8 Existing Use: Church and private school		
Proposed Zoning: No change Proposed Use: Addition of a 19,958-square-foot gymnasium/multi-purpose building and related site improvements		
GENERAL PLAN		
Completed by: DM		
Land Use/Transportation Diagram Designation Public/Quasi-Public		Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: DM		
North:	Overfelt High School	R-1-8 Residence
East:	Single-family detached residential	R-1-8 Residence
South:	Single-family detached residential	R-1-8 Residence
West:	Single-family detached residential	R-1-8 Residence
ENVIRONMENTAL STATUS		
Completed by: DM		
<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on		<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		
Completed by: DM		
Annexation Title: Hillview #5		Date: October 15, 1956
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input checked="" type="checkbox"/> Action <input type="checkbox"/> Recommendation
OWNER/APPLICANT/DEVELOPER		
Roman Catholic Bishop of San Jose 900 Lafayette Street #301 Santa Clara, CA 95050		

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: **Darren McBain**

Department of Public Works

See attached memo

Other Departments and Agencies

None attached

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Roman Catholic Welfare Corp. of San Jose, is requesting a Conditional Use Permit to allow addition of a 19,958-square-foot gymnasium/multi-purpose building and related site improvements at an existing private school that shares its site with Most Holy Trinity Church and an office building that is affiliated with the church and school. The subject property is located at the northeast corner of Cunningham Avenue and Nassau Drive, on a 9.1-acre site in the R-1-8 Residence Zoning District. Additions to private schools are a conditional use in the conventional residential zoning districts. The property is bounded by single-family residential uses on its east, south, and west sides, and by Overfelt High School to the north across Cunningham Avenue.

The proposed new building includes a gymnasium component and several other functions such as storage, a kitchen, offices, and other school-related uses. The project does not include any new classrooms and will not facilitate an increase of the existing student enrollment. The building is proposed to be located in an interior area of the site, and will consequently have a limited degree of visibility from either adjacent public street or properties. In addition to the new gymnasium building, the project includes the addition of a significant new play area and some rearrangement of the existing site configuration (see analysis section, below).

ENVIRONMENTAL REVIEW

The Director of Planning has determined that this project is exempt from further environmental review under the provisions of the California Environmental Quality Act (CEQA). CEQA Guidelines include an exemption (Section 15314) for minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or 10 classrooms, whichever is less. This project does not include approval of an increase in student enrollment on the site.

Prior to making a final determination that the project is exempt from CEQA, the Planning staff examined the project's potential to result in a traffic impact on the surrounding neighborhood. The Directors of Planning and Public works determined that the traffic that may result from occasional, incidental use of the multipurpose building for special events would not warrant any traffic mitigation. Therefore, the project is consistent with the Evergreen Development Policy. In addition, a noise report submitted by the applicant determined that relocation of the three existing basketball courts to an adjacent area of the site will not significantly increase the noise level experienced by adjacent property owners. The removal of approximately 15 less-than-ordinance trees as part of this project was determined not to constitute a significant environmental impact. The removed trees will be replaced at established mitigation rates.

GENERAL PLAN CONFORMANCE

The proposed use is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public.

ANALYSIS

The primary focus of the analysis is the project's compatibility with surrounding land uses, which are mostly single-family detached residential.

Site Design

The proposed gymnasium/multipurpose building that is the core of the project has been designed to blend with and complement the existing buildings on the site. The single-story building's primary roof form is approximately 23 feet high, with a 33-foot (total height) parapet element along the rear of the building. The building is proposed to be located in a central area of the site, approximately 125 feet from the nearest public street or adjacent property owner's backyard fence. Given this degree of separation and the existing and proposed landscaping on the site, the building will have only a very limited amount of visibility from the street and nearby properties.

The total number of parking spaces proposed to be provided on the site is 345, which is approximately 40 spaces more than currently exist. Except as noted above with regard to special events, this amount of parking is more than adequate to simultaneously accommodate the school, church, and office uses on the site. Approximately one third of the parking spaces are located in areas of the site where they will only be used on Sundays and possibly for occasional special events. Most of the time, these areas would be open and available for use as basketball courts and other hardscape play area.

In addition to the proposed building, several significant upgrades to the site's layout and configuration are included within the scope of this project. Two new plazas and a large playground structure will be added to the interior of the site in the area of the new addition. A large open field will be created in the northeast corner of the site where parking spaces and basketball courts are currently located (the basketball courts will be relocated slightly to the south). A currently vacant and undeveloped portion of the southeast corner of the site will be used as a landscaped parking area. Perhaps most significantly, the amount of landscaping provided along the site's street frontages and in other highly visible areas of the site will be considerably enlarged and enhanced. Additional landscaping along the interior property lines will also improve the interface between this site and the adjacent residential properties.

School Operational Issues

The proposed building will provide improved facilities and amenities to the school. However, this project does not include new classrooms and does not represent an increase in the number of students or staff members from their present levels. The proposal will not substantially alter the character or the nature of the activities taking place at the existing private school and church.

The new building is of a size and type that lends itself to incidental use as a meeting place for occasional meetings and community events. The applicant has indicated that the new building would typically be used for approximately two special events per month on evenings and weekends. This frequency of events is comparable to other similar quasi-public facilities at schools and churches, and it is staff's opinion that use of the proposed building in this manner will not significantly impact the neighborhood. However, based on the parking ratios provided in the City's Zoning Ordinance, insufficient parking exists on the site to accommodate simultaneous use of the proposed multipurpose building for a special event while the existing church sanctuary building is in use. For this reason, staff has included in its recommendation a condition that the two uses shall not be allowed to take place simultaneously. The applicant has indicated a willingness to comply with this condition.

It should also be noted that the site falls within the Evergreen Development Policy (EDP) area. As with other similar uses in the EDP area, if the new development would cause additional traffic during the peak morning and evening commute hours, mitigation would most likely be necessary and required as part of the project. Arrival of students by private car is generally the most problematic traffic issue with schools. In this case, since no new classrooms are proposed and student enrollment will not be increased there will not be any additional peak commute hour trips as part of this project. However, in order to assure compliance with the Evergreen Development Policy, this permit includes a condition that no special events are to occur which start during peak commute hours, which are defined as 7:00-9:00 AM and 4:00-6:00 PM on weekdays. The applicants have indicated they are willing to act in accordance with this condition.

PUBLIC OUTREACH

A community meeting for the project was held in September, 2001. Planning Staff was present at the meeting, which was attended by half a dozen or fewer members of the public. No significant issues or concerns were raised at the meeting. Notices for the community meeting and for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site, which includes both the school and the church. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following facts and findings in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Public/Quasi-Public on the adopted San José 2020 General Plan Land Use/Transportation Diagram
2. The project site is located on a 9.1-gross-acre parcel in the R-1-8 Residence Zoning District.
3. The project site is currently developed with a private school and church.
4. The proposed project consists of a 19,958-square foot gymnasium/multi-purpose building and related site improvements.
5. This project does not include or sanction an increase in the current number of enrolled students.
6. The proposed building will not facilitate an increase in the number of students at the school.
7. Activities associated with the new gymnasium should not generate any additional peak hour traffic trips.
8. Additions to private schools are a conditional use in the City's residential zoning districts.
9. Under the provisions of Section 15314 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
10. The proposed project conforms to the setbacks of the R-1-8 Residence Zoning District.
11. The proposed project includes a minimum of 345 on-site parking spaces.
12. The proposed building will not be used for special events while the church sanctuary building is being used for public assembly.
13. Special events held in the proposed building will not begin during peak commute hours (7:00-9:00 AM and 4:00-6:00 PM on weekdays).

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the site's designation of Public/Quasi-Public on the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with applicable provisions of the Zoning Ordinance.
3. The project conforms to the Evergreen Development Policy.

4. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled "Most Holy Trinity Multipurpose Building," dated April 25, 2001, last revised January 16, 2002, on file with the Department of Planning Building and Code Enforcement.
2. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
3. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
4. **Public Works:** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-08754) to the satisfaction of the Director of Public Works.
 - a) **Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - b) **Geology:**
 - i) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the Project Engineer and/or City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Spec. Publ. 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
 - c) **Storm:** Prior to the issuance of a Public Works Clearance, a revised the grading and drainage plan shall be submitted to show on-site ponding less than one foot.
 - d) **Electrical:** The need for new street lights on Nassau Drive will be determined at the improvement plan stage. The developer shall install or relocate electroliers as determined appropriate by the Director of Public Works.

- e) **Landscape:** Replace any missing street trees in empty tree wells along Cunningham Avenue and Nassau Drive and match existing trees.
 - f) **Street Improvements:**
 - i) Revise the plans to show new driveway on Cunningham as 32 feet wide.
 - ii) New driveways on Cunningham and Nassau shall be city standard driveway aprons, not curb-return radiuses.
 - iii) Remove and replace broken or uplifted sidewalk along both project frontages.
 - iv) Relocate the existing “No Parking” sign along Cunningham Avenue and the “School Crossing” sign along Nassau Drive to at least 5 feet from driveway.
 - v) Close unused driveway cut.
 - vi) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - g) **Minor Improvement Permit:** The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes plans, insurance, bonds/deposit certificate, and engineering and inspection fees.
5. **Tree Removals.** No tree larger than 56 inches in circumference, at a height 24 inches above the natural grade slope, may be removed without a Tree Removal Permit issued by the Director of Planning.
6. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.
7. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
8. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set.

9. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, CP01-08-067 shall be printed on all construction plans submitted to the Building Division.
 - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
10. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief.
11. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.
12. **Fire Flow.** Required fire flow for the site is 2,500 gpm, or as otherwise approved in writing by the Fire Chief.
13. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE - NO PARKING," shall be provided to the satisfaction of the Fire Chief.
14. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San José Municipal Code on the site must be used and stored within approved buildings and/or within areas specified on the approved plan set, if any, in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San José Fire Prevention Bureau.
15. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
16. **Special Events.** The multipurpose building that is the subject of this permit shall not be used for special events while the church sanctuary building is in use for purposes of public assembly. The start times for special events shall not take place on-site during peak commute hours (7:00-9:00 AM and 4:00-6:00 PM on weekdays).
17. **No Increase in Student Enrollment Approved.** This project does not include approval of an increase in the student enrollment from its present level of 315 students.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.